

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Sep 03, 2021

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GEANNIE H.,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of the Social Security
Administration,¹

Defendant.

No: 1:20-CV-03160-FVS

ORDER GRANTING STIPULATED
MOTION FOR REMAND

BEFORE THE COURT is the parties' Stipulated Motion for Remand pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 19. The Plaintiff is represented by Attorney Victoria B. Chhagan. The Defendant is represented by Special Assistant United States Attorney Sarah E. Moum.

¹Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi is substituted for Andrew M. Saul as the defendant in this suit. No further action need be taken to continue this suit. *See* 42 U.S.C. § 405(g).

ORDER GRANTING STIPULATED MOTION FOR REMAND ~ 1

1 After consideration, **IT IS HEREBY ORDERED** that the Stipulated
2 Motion for Remand, ECF No. 19, is **GRANTED**. The Commissioner's final
3 decision is reversed and remanded for further proceedings pursuant to sentence
4 four of 42 U.S.C. § 405(g). Upon remand to the Commissioner of Social Security,
5 the Appeals Counsel should remand this case to the Administrative Law Judge
6 (ALJ). On remand, the ALJ shall do the following: (1) further develop the record;
7 (2) offer Plaintiff the opportunity for a new hearing; (3) evaluate the medical
8 opinion of Dr. Diamond; (4) reevaluate Plaintiff's subjective complaints; (5)
9 reevaluate the nature and severity of Plaintiff's mental health impairments; (6) as
10 necessary, obtain medical expert evidence to consider whether the impairments
11 met or equaled a listing, or otherwise reassess the residual functional capacity; (7)
12 as necessary, obtain vocational expert evidence to determine whether Plaintiff
13 could perform her past relevant work or other jobs existing in significant numbers
14 in the national economy; and (8) issue a new decision.

15 The parties stipulate that this case be reversed and remanded to the ALJ on
16 the above grounds pursuant to sentence four of 42 U.S.C. § 405(g). Therefore, the
17 matter is remanded to the Commissioner for additional proceedings pursuant to
18 sentence four of 42 U.S.C. § 405(g). Upon proper presentation, this Court will
19 consider Plaintiff's application for costs and attorney's fees under 28 U.S.C. §
20 2412(d).

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1 It is **FURTHER ORDERED** that Plaintiff's Motion for Summary
2 Judgment, **ECF No. 16**, is **DENIED** as moot, given the parties' motion for
3 remand.

4 The District Court Executive is hereby directed to enter this Order and
5 provide copies to counsel, enter judgment in favor of the Plaintiff, and **CLOSE** the
6 file.

7 **DATED** September 3, 2021.

8 *s/ Rosanna Malouf Peterson*
9 ROSANNA MALOUF PETERSON
10 United States District Judge
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